

Appl. No. : 10/019,754
Filed : April 30, 2004

REMARKS

Claims 3, 6-9 and 13-25 were examined. Claim 10 was cancelled. Claims 8, 9, 15, and 20-25 were amended. The changes made to the Specification and Claims by the current amendment, including ~~deletions~~ and additions, are shown herein with deletions designated with a strikethrough and additions underlined. No new matter has been added herewith.

Allowed Claims

Applicants acknowledge and thank the Examiner for the allowance of Claims 3, 6, 7, 11-14, and 16-19.

Restriction Requirement

The Examiner has restricted newly added claims 20-25 as being a separate and distinct invention. The Examiner believes that Claims 20-25 are related as a product and a process of making thereof, and are silent as to the degree of crystallinity recited in the claims. However, Applicants have amended the claims to be dependent on allowed Claim 3 and request rejoinder of the claims.

Rejection under 35 U.S.C. §112, first paragraph (written description)

The Examiner has rejected claim 9 as failing to comply with the written description requirement because the Examiner believes that the recitation of "at normal temperature" does not find support in the specification as filed. However, Applicants have amended claim 9 to specify that the polymer has a "ratio of relaxation elastic modulus at 23°C/elastic modulus at ~~normal temperature~~ 37°C of 0.3 or greater". Support for this amendment can be found in the Specification on page 17, line 14 through page 18, line 3. Thus, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. §112, first paragraph (written description).

Rejection under 35 U.S.C. §112, second paragraph

The Examiner rejected Claims 8-10 and 15 as indefinite for the following reasons:

The Examiner rejected Claim 8 as improper because the recitation "of low amorphous" after "elastic modulus" is missing. Thus, Applicants have provided the Examiner with the claim as filed and included all of the necessary amendments properly.

The Examiner has rejected Claim 9 because he believes that the recitation of "normal temperature" is indefinite. However, Applicants have amended the claims to recite that the polymer has a "ratio of relaxation elastic modulus at 23°C/elastic modulus at ~~normal temperature~~ 37°C of 0.3 or greater", thus, rendering the claim definite.

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The Examiner has rejected Claim 10 as being redundant in view of the amended claim 3. Thus, Applicants have cancelled Claim 10.

The Examiner has rejected Claim 15 as being dependent upon a cancelled Claim. However, Claim 15 has been amended to be dependent upon Claim 3.

Conclusion

In view of Applicants' amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

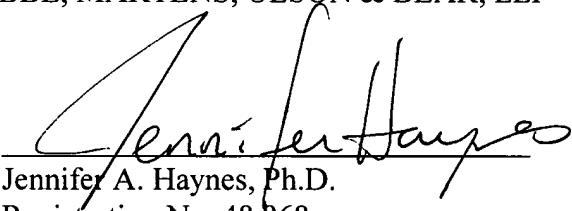
Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Dec. 20, 2004

By:


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